

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LARRY HEGGEM,

Plaintiff,

vs.

SNOHOMISH COUNTY CORRECTIONS,
et al.,

Defendants.

Case No. C11-1333 RSM

ORDER DENYING
MOTION TO WITHDRAW

This matter came before the Court upon the motion of Molly Daily, counsel for Plaintiff Larry Heggem, to withdraw from representation in this action. Dkt. # 274. The Court has reviewed the motion as well as counsel's declaration, filed *in camera*. The Court has also reviewed Mr. Heggem's several motions for assignment of new counsel (Dkt. ## 272, 285) and concomitant retractions of these motions, including his recent request to withdraw his motion to appoint new counsel, filed on September 12, 2013. Dkt. # 294. For the reasons that follow, and with full respect for the gravity of counsel's motivations, the Court hereby DENIES counsel's motion to withdraw without prejudice to renewal.

Plaintiff Larry Heggem, originally appearing *pro se*, filed this prisoner civil rights complaint pursuant to 42 U.S.C. § 1983. Dkt. # 5. The Court appointed counsel to represent

1 plaintiff in preparation for trial, after the Court denied summary judgment as to two defendants.
2 Dkt. # 250. This matter is currently scheduled for trial on February 24, 2014. Dkt. # 293.
3 Plaintiff filed a motion for assignment of new counsel on July 23, 2012 (Dkt. # 272), prompting
4 appointed counsel Molly Daily to move for relief from her appointment pursuant to LCR
5 83.2(b)(1) and RPC 1.16. Dkt. # 274. Plaintiff has since requested the Court to withdraw his
6 motion for appointment of new counsel (Dkt. ## 277, 294) and hopes to retain Ms. Daily as his
7 counsel as this matter proceeds to trial.
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9 The decision to grant or deny counsel's motion to withdraw is ultimately committed to
10 the discretion of the trial court. *See Washington v. Sherwin Real Estate, Inc.*, 694 F.2d 1081,
11 1087 (7th Cir. 1982); *Huckabee v. Medical Staff at CSATF, et al.*, 2013 WL 3892950, at *2 (E.D.
12 Cal. 2013). The Court does not take lightly the unfortunate and difficult position in which
13 plaintiff has placed his appointed counsel. It is the belief of the Court that counsel's motivations
14 for moving to withdraw are reasonable and weighty, and the Court notes that counsel has filed
15 her motion sufficiently in advance of the discovery cut-off date and well in advance of trial,
16 pursuant to LCR 83.2(b)(2). However, the Court also finds that since filing his initial motion for
17 appointment of new counsel, Mr. Heggem has expressed a sincere desire to retain current
18 counsel and has made earnest attempts to repair the attorney-client relationship and correct his
19 demeanor toward counsel's efforts on his behalf.
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22 In light of Mr. Heggem's apparent desire to cooperate with counsel and with due
23 consideration of the prejudice that Mr. Heggem may face in proceeding in this matter *pro se*, the
24 Court hereby DENIES counsel's motion to withdraw. If hereafter unreasonable difficulties,
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1 fundamental disagreements, or other grounds manifest that make the attorney-client relationship
2 untenable, counsel may renew her motion to withdraw for reconsideration by the Court.
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4 DATED this 27th day of September 2013.
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7 RICARDO S. MARTINEZ
8 UNITED STATES DISTRICT JUDGE
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